

USSN10/009,852

Office action dated 7 Sept 2005

Response dated 20 Sept 2005

REMARKS

Claims 1-91, 101-103 and 109-131 were previously canceled. Claims 93-94 are cancelled. Claim 138 is added. Accordingly, 92, 95-100, 104-108 and 132-138 are now pending in this application. Claim 137 is allowed.

Claims 92, 99, 104-105, 132 and 136 are amended to more particularly point out and distinctly claim the invention. Specifically, claim 92 is amended to clarify that the fusion protein is capable of binding VEGF and consists of Ig 2 of human Flt1, Ig 3 of Flk1 and a multimerizing component. Claim 99 is amended to remove non-elected subject matter. Claims 104-105 are amended as independent claims. Claim 132 is amended to clarify that the first and second VEGF receptors are each from a different human VEGF receptor. Claim 133 is amended in response to the Examiner's comments under the second paragraph of §112. Claim 136 is amended as an independent claim. New claim 138 specifies the sequence of the encoded fusion protein. No new matter has been added.

I. Rejections under 35 USC 112, first paragraph.

Claims 92-98, 100, 104-108 and 132-135 were rejected for lack of enablement on the basis that the specification is enabling for an isolated nucleic acid encoding a fusion protein consisting of Ig 2 of Flt-1, Ig 3 of Flk-1 and a multimerizing component, wherein the Ig domains are human and the fusion protein encoded binds VEGF. The claims were further rejected for lack of written description on the basis that they do not require that the first and second receptors be different receptors, be from the same species, or that the encoded fusion proteins binds VEGF.

It is believed that these rejections are fully addressed by the above amendments and this rejection may now be withdrawn.

II. Rejections under 35 USC 112, second paragraph.

Claims 92-100 and 104-108 were rejected as indefinite. Specifically, claim 92 was rejected for reciting open language and claim 133 was rejected for reciting "chosen from Flt-1". It is believed that these rejections are fully addressed by the above amendments and this rejection may now be withdrawn.

III. Rejections under 35 USC 102(e).

Claims 92-95, 98-97, 100, and 104-108 were rejected as anticipated by US patent No. 6,100,071. It is believed that this rejection is rendered moot by the above amendments.

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Conclusion

It is believed that this document is fully responsive to the Office action of 7 September 2005. It is believed that the claims are now in condition for allowance, and such action is respectfully urged.

Fees

Although it is believed that no fees are due, in the event the Patent Office determines that fees are due, the Commissioner is hereby authorized to charge Deposit Account Number 18-0650 in the amount of any fees deemed to be due.

Respectfully submitted,



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